

ORDINANCE NO. 935

**[AN ORDINANCE TO IMPLIMENT WATER
CONSERVATION PROCEDURES DURING PERIODS
OF DROUGHT THROUGH EFFICIENT LANDSCAPE
IRRIGATION; AND ESTABLISHING PENALTIES
FOR VIOLATIONS THEREOF]**

**BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON,
OKLAHOMA:** Code of Ordinances, are hereby created to read:

WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

Section 1. INTENT AND PURPOSE. It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation, during our drought conditions.

Section 2. DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

(a) "Address" means the house number of a physical location of a specific property. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(b) "City" means the City of Clinton.

(c) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.

(d) "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

Section 3. LANDSCAPE IRRIGATION SCHEDULES.

1. The City Manager shall have the authority, with the advice and consent of the Council, to institute water conservation procedures in the following form. Landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Landscape irrigation at odd numbered addresses or no address may occur only on odd numbered days and shall not occur between 9:00 a.m. and 7:00 p.m.; and

b. Landscape irrigation at even numbered addresses may occur only on even numbered days and shall not occur between 9:00 a.m. and 7:00 p.m.; and

c.. No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

d. There shall be no runoff or direct spray on hard surfaces.

Section 4. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES.

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

1. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

2. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 5 minutes per hour per zone.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

Section 5. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS. A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week. A petition must be filed with the City Clerk requesting a variance. The City Manager shall hear all applications within ten (10) days of the application being filed. An adverse decision of the City Manager may be appealed, in writing within ten (10) days, to be heard by the Council.

Section 6. APPLICATION OF ORDINANCE. The provisions of this Ordinance shall apply to each person located within the City of Clinton.

Section 7. ENFORCEMENT OFFICIALS. The Police Department is hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to agencies and department of city government.

Section 8. PENALTIES. Violation of any provision of this Ordinance shall be subject to the penalties described in 1-4-1 of this Code.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

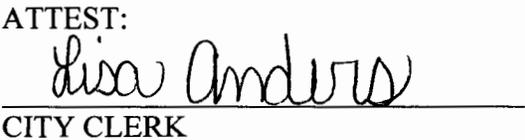
Section 9. CODIFICATION. This Ordinance shall be codified as described in 2-16 of the City Code.

Section 10. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 11. EMERGENCY CLAUSE. This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 3 day of August, 2011.


MAYOR

ATTEST:

CITY CLERK

(SEAL)

ORDINANCE NO. 935A

AN ORDINANCE TO APPLY WATER USE RESTRICTIONS

WHEREAS, the City has previously adopted Ordinance No. 935.

WHEREAS, implementation of Ordinance No. 935 has failed to properly address water shortage issues.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Section 3 of Ordinance 935 (Codified as 9-5-3), of the Clinton City Code of Ordinances, shall be repealed and replaced as follows:

Section 3. WATER USE RESTRICTION

1. Water use restrictions will begin with voluntary implementation beginning March 1st of each year and mandatory implementation beginning June 1st, until September 30th of each year. Use restrictions shall include the following restrictions:
 - A. Outdoor irrigation of landscaping with sprinkler systems and hose-end sprinklers will be limited to two (2) hours once a week
 1. Residents and business with even numbered addresses will be allowed to water on Tuesdays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
 2. Residents and business with odd numbered addresses will be allowed to water on Thursdays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
 - B. Outdoor irrigation of landscaping utilizing hand watering, drip irrigation and soaker hoses shall be allowed every day of the week for two (2) hours per day from 7:00 p.m. to 11:00 p.m. All hoses must be equipped with a positive shutoff valve.
 - C. After June 1st of each year, existing swimming pools can only be filled to replace normal water loss due to evaporation.
 1. Permits for new swimming pools (either above or below ground) will be delayed until after October 1st of each year.
 - D. Use of fountains is prohibited.

- E. Restaurants may only serve a glass of water upon request by the customer.
- F. Vehicle washing is limited to commercial and mobile car washing only.
 - 1. Personal washing of vehicles is prohibited at any location not specifically designed and permitted for vehicle washing.
- G. Washing down of sidewalks, walkways, driveways, parking lots, streets and gutters is prohibited.
- H. Washing down of buildings is prohibited, unless for fire protection.
- I. All water leaks must be repaired within a reasonable time frame.

II. Emergency Clause. This ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 3 day of July, 2012.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

ORDINANCE NO. 935B

AN ORDINANCE TO APPLY WATER USE RESTRICTIONS

WHEREAS, the City has previously adopted Ordinance No. 935 and 935A.

WHEREAS, implementation of Ordinance No. 935 and 935A has failed to properly address water shortage issues.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Section 3 of Ordinance 935A (Codified as 9-5-3), of the Clinton City Code of Ordinances, shall be repealed and replaced as follows:

Section 3. WATER USE RESTRICTION

1. Water use restrictions will begin with voluntary implementation beginning February 1st of each year and mandatory implementation beginning April 1st, until October 30th of each year. Use restrictions shall include the following restrictions:

- A. Outdoor irrigation of landscaping with sprinkler systems and hose-end sprinklers will be limited to two (2) hours once a week
 - 1. Residents and business with even numbered addresses will be allowed to water on Tuesdays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
 - 2. Residents and business with odd numbered addresses will be allowed to water on Fridays for any two (2) hours between 8:00 p.m. and 12:00 a.m. only.
- B. Outdoor irrigation of landscaping utilizing hand watering, drip irrigation and soaker hoses shall be allowed every day of the week for two (2) hours per day, between the hours of 8:00 p.m. and 12:00 a.m. only. All hoses must be equipped with a positive shutoff valve.
- C. After June 1st of each year, existing swimming pools can only be filled to replace normal water loss due to evaporation.
 - 1. Permits for new swimming pools (either above or below ground) shall only be issued between November 1st and March 30th of the following year.

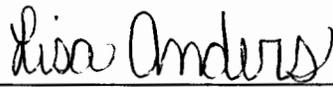
- D. Use of fountains is prohibited.
- E. Restaurants may only serve a glass of water upon request by the customer.
- F. Vehicle washing is limited to commercial and mobile car washing only.
 - 1. Personal washing of vehicles is prohibited at any location not specifically designed and permitted for vehicle washing.
- G. Washing down of sidewalks, walkways, driveways, parking lots, streets and gutters is prohibited.
- H. Washing down of buildings is prohibited, unless for fire protection.
- I. All water leaks must be repaired within a reasonable time frame.

II. Emergency Clause. This ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 1 day of April, 2014.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

ORDINANCE NO. 935C

AN ORDINANCE TO AMEND WATER USE RESTRICTIONS

WHEREAS, the City has previously adopted Ordinance No. 935, 935A and 935B.

WHEREAS, implementation of Ordinance No. 935, 935A and 935B have failed to properly address water shortage issues.

WHEREAS, the Foss Master Conservancy District, which is currently the City's sole source of water, has capped water delivery to the City at 1.7 MGD with no option for the purchase of overage.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Section 3 of Ordinance 935B (Codified as 9-5-3), of the Clinton City Code of Ordinances, shall be amended as follows:

Section 3. WATER USE RESTRICTION

(2) Extraordinary Use Restrictions: Whenever an Emergency exists by reason of a shortage of water due to an inadequate supply; limited treatment or distribution capacity; failure of equipment or material; or mandatory reductions or rationing imposed by a State, Federal or Regulatory Agency or the Foss Master Conservancy District, the Authority is hereby authorized to impose, by restriction, additional restrictions or prohibitions on the use of water from the water system, including, but not limited to:

A. A total ban on the outdoor use of water for non-essential use, excluding watering by soaker hoses during the hours identified in 9-3-5(1). This shall include the possible removal or locking of all irrigation meters from residences and businesses.

B. New landscape waiver. A waiver of subsection (2)(A) may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate moisture to sustain viability until the plants are established but not to exceed a 30-day time period.

1. This waiver will not be available when the lake level is at or below 40 percent. Any person wishing such a waiver must make application to the City Manager or Designee, receive approval and pay a \$50.00 non-refundable fee.

2. Applicants receiving the above waiver must agree to pay a water rate that is three times normal rate for that customer for all consumption in excess of 7000 gallons as registered by a City owned meter. The City may and typically will flow test meters

measuring water used under this waiver. This special rate shall be in lieu of the surcharge cited elsewhere herein.

3. Persons who desire a waiver for new landscapes shall utilize exclusively water-use efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize the use of mulch, compost and zonal irrigation systems. These plants and practices shall be those recommended by or recognized as water efficient and suitable for the area by Oklahoma State University. Turf grasses that qualify are Buffalo grass and Bermuda grass.

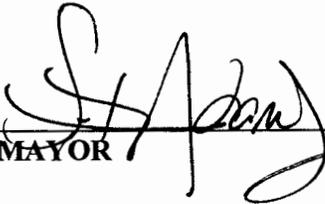
(3) Limitation: Any Extraordinary Restriction, as described in 9-5-3(2), shall be reviewed by the Authority on a monthly basis, but, in no event shall the restrictions extend beyond the reasonable duration of the underlying shortage and any restrictions may be terminated, at anytime, by Resolution of Council.

II. Section 9-5-6 shall be amended to read as follows:

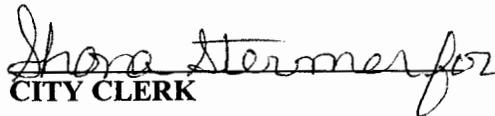
The provisions of this chapter shall apply to all users of Municipal Water.

III. **Emergency Clause.** This ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 25 day of July, 2014.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

ORDINANCE NO. 935D

AN ORDINANCE TO AMEND WATER USE RESTRICTIONS

WHEREAS, the City has previously adopted Ordinance No. 935, 935A, 935B and 935C.

WHEREAS, implementation of Ordinance No. 935, 935A, 935B and 935C have failed to properly address water shortage issues.

WHEREAS, the Foss Master Conservancy District, which is currently the City's sole source of water, has capped water delivery to the City at 1.7 MGD with no option for the purchase of overage.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA:

I. Section 3 of Ordinance 935C (Codified as 9-5-3), of the Clinton City Code of Ordinances, shall be amended as follows:

Section 3. WATER USE RESTRICTION

(2) Extraordinary Use Restrictions: Whenever an Emergency exists by reason of a shortage of water due to an inadequate supply; limited treatment or distribution capacity; failure of equipment or material; or mandatory reductions or rationing imposed by a State, Federal or Regulatory Agency or the Foss Master Conservancy District, the Authority is hereby authorized to impose, by restriction, additional restrictions or prohibitions on the use of water from the water system, including, but not limited to:

A. A total ban on the outdoor use of water for non-essential use, excluding watering by soaker hoses during the hours identified in 9-3-5(1). This shall include the possible removal or locking of all irrigation meters from residences and businesses.

B. New landscape waiver. A waiver of subsection (2)(A) may be granted for the irrigation of new landscaping plants whereby watering would be permitted to maintain adequate moisture to sustain viability until the plants are established but not to exceed a 30-day time period, and only between the hours of 6 pm to 7pm.

1. Any person wishing such a waiver must make application to the City Manager or Designee, receive approval and pay a \$50.00 non-refundable fee.

2. Applicants receiving the above waiver must agree to pay a water rate that is three times normal rate for that customer for all consumption in excess of 4000 gallons as registered by a City

owned meter. The City may and typically will flow test meters measuring water used under this waiver. This special rate shall be in lieu of the surcharge cited elsewhere herein.

3. Persons who desire a waiver for new landscapes shall utilize exclusively water-use efficient trees, shrubs, ground covers, ornamental plants and turf; and are to utilize the use of mulch, compost and zonal irrigation systems. These plants and practices shall be those recommended by or recognized as water efficient and suitable for the area by Oklahoma State University. Turf grasses that qualify are Buffalo grass and Bermuda grass.

4. At any time, should the circumstances dictate, the City Manager may terminate and withdraw all waivers. If the waivers are terminated by the unilateral action of the City Manager, the issue shall be placed upon the next council agenda for review.

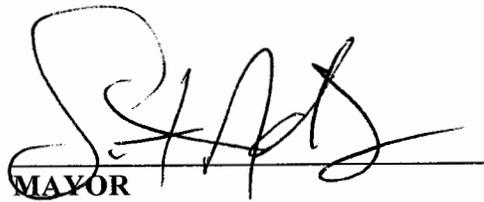
(3) Limitation: Any Extraordinary Restriction, as described in 9-5-3(2), shall be reviewed by the Authority on a monthly basis, but, in no event shall the restrictions extend beyond the reasonable duration of the underlying shortage and any restrictions may be terminated, at anytime, by Resolution of Council.

II. Section 9-5-6 shall be amended to read as follows:

The provisions of this chapter shall apply to all users of Municipal Water.

III. **Emergency Clause.** This ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 18 day of November, 2014.


MAYOR

ATTEST:


CITY CLERK

(SEAL)